

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

JACOB JAMES LESTER,

Plaintiff,

vs.

BUTTE SILVER BOW DETENTION
CENTER, MARK JOHNSON, and
RAY VAUGHN,

Defendants.

CV 24-48-BU-DWM

ORDER

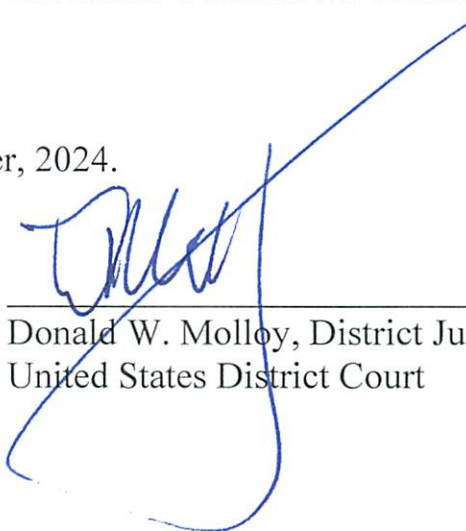
On June 17, 2024, Plaintiff Jacob James Lester filed a civil rights complaint under 42 U.S.C. § 1983, alleging his constitutional rights were violated when he was not provided with toothpaste at the Silver Bow Detention Center. (Doc. 2.) On August 14, 2024, the Clerk was directed to serve the defendants, and the defendants were given 60 days to answer or file any other appropriate motion under Rule 12 of the Federal Rules of Civil Procedure. (Doc. 7.) On October 14, 2024, the defendants filed a motion to dismiss. (Doc. 13.) On October 25, 2024, Lester filed a motion for default, arguing that the defendants' responsive filings was untimely by one day. (Doc. 15.) That motion is denied.

When computing deadlines under the Federal Rules of Civil Procedure, courts are instructed that if the last day of the applicable time period "is a Saturday,

Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.” Fed. R. Civ. P. 6(a)(1)(C). By Lester’s own calculation, the defendants’ response was due on October 13, 2024, which was a Sunday. Additionally, October 14, 2024, was a federal holiday. Thus, the defendants’ answer was due by October 15, 2024. Because it was filed before that date, it is timely. Moreover, the service order in the case explicitly states that “Lester shall not make any motion for default until at least seventy (70) days after the date of this Order.” (Doc. 7 at 3.) The defendants filed their motion to dismiss in this case prior to end of that 70-day period.

Accordingly, IT IS ORDERED that Lester’s motion for default (Doc. 15) is DENIED.

DATED this 28th day of October, 2024.



Donald W. Molloy, District Judge
United States District Court